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DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

STATEMENT OF REAR ADMIRAL THOMAS GILMOUR

ON THE

BALLAST WATER MANAGEMENT: NEW INTERNATIONAL STANDARDS AND NATIONAL INVASIVE SPECIES ACT REAUTHORIZATION

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

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Good Morning, Mr. Chairmen and distinguished Members of both Subcommittees. I am Rear Admiral Thomas Gilmour, Assistant Commandant for Marine Safety, Security and Environmental Protection. It is my pleasure to appear before you today to provide the Coast Guard's views on the recently adopted International Convention for the Control and Management of Ships' Ballast Water and Sediments, and National Invasive Species Act Reauthorization.

The Coast Guard is a leader in ensuring America's maritime environment is protected. We take great pride in providing valuable services that preserve and protect our nation's waters, making them cleaner, safer, and more secure for legitimate use. The Coast Guard remains committed to providing a leadership role on ballast water management both domestically and internationally and working diligently with all stakeholders to protect U.S. waters from the introduction of aquatic nuisance species.

Last month, the Coast Guard led the interagency United States delegation to the International Maritime Organization's (IMO) Diplomatic Conference on Ballast Water Management for Ships. The Conference adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, which is a significant step forward in the international effort to combat invasive species introduced by ships' ballast water. The U.S. delegation played a major role in ensuring that a number of key objectives were included in this new treaty.

One significant provision of the Convention for the U.S. is an article that explicitly recognizes the right of a party to take more stringent measures than those in the Convention, to prevent invasive species introductions, consistent with international law. Another important provision of the Convention calls for ships to meet a ballast water discharge standard according to a schedule of fixed dates, beginning with certain ships constructed in 2009. These fixed dates serve as a signal to the shipping industry as well as the emerging ballast water treatment industry of the need for investment, plans and inventory to meet equipment requirements. Another key feature of the implementation schedule is the phasing out of the practice of ballast water exchange, which means most ballast water discharges will eventually have to meet a maximum concentration standard. The Convention contains provisions for the experimental testing of prototype ballast water treatment systems on operating vessels. In addition, the Convention contains a U.S. backed provision that allows the sampling of ballast water from ships as a port state control activity for the purposes of evaluating compliance with the Convention.

While there were many important and positive provisions adopted by the Conference, one significant element that does not comport with the U.S. position is the stringency of the ballast water discharge standard. The ballast water discharge standard adopted by the Conference was less than 10 viable organisms per cubic meter greater than or equal to 50 micrometers in minimum dimension and less than 10 viable organisms per milliliter less than 50 micrometers and greater than or equal to 10 micrometers in minimum dimension and discharge of indicator microbes not to exceed specified concentrations. This was not as stringent as the United States proposed standard of less than .01 living organisms per cubic meter greater than or equal to 50 micrometers and less than .01 living organisms per milliliter less than 50 micrometers and greater than 10 micrometers and discharge of indicator microbes not to exceed specified concentrations. However, the standard adopted by IMO is concentration-based, which was desired by the U.S. and still exceeds the capabilities of current ballast water treatment technologies, and when met, may reduce the number of invasions via ballast water.

On Tuesday, March 23rd, the Coast Guard and its federal agency partners presented the results of the Ballast Water Conference at a public meeting held at Coast Guard Headquarters. Over the coming months, we will evaluate the results of this Conference through the executive branch interagency process to determine the best course of action the U.S. should pursue with regard to the Convention.

Our objective now is to develop the best national program for ballast water management to protect the waters of the United States. Working under the broad authority granted by current legislation, the Coast Guard's ongoing program and regulatory efforts are addressing many of the ballast water management issues covered by the Convention. We launched the Shipboard Technology Evaluation Program (STEP) in January 2004. STEP is intended to facilitate the development of effective ballast water treatment technologies, thus creating more options for vessel owners seeking alternatives to ballast water exchange. As an incentive to participate, vessels accepted into this program may be granted a limited equivalency to ballast water management regulations, while the prototype system operates satisfactorily. We believe this program is essential to spur the development of the ballast water treatment industry. Also, two final rules are currently in clearance - one for assessing penalties for non-reporting of ballast water management and one for establishing a national program for mandatory ballast water management. These rules are expected to raise the level of compliance for reporting and increase the number of vessels conducting ballast water management when entering from outside our Exclusive Economic Zone, while increasing compliance with best practices for ballast water uptake. Finally, the Coast Guard has begun the environmental impact analysis of several alternative standards in preparation for issuing a rule establishing an enforceable, biologically meaningful and scientifically sound ballast water discharge standard for U.S. waters. The Environmental Protection Agency, National Oceanographic and Atmospheric Administration, and Fish and Wildlife Service, are working with us as cooperating agencies to help support preparation of the Environmental Impact Statement. We are also working to establish the criteria for evaluating the performance of ballast water treatment equipment. The Coast Guard continues to receive valuable input from stakeholders and partners such as the scientific community, federal and state agencies, water treatment technologists and the shipping industry to develop effective criteria.

In considering legislation for ballast water management to protect the waters of the U.S., there are certain provisions that we believe would be fundamental to such legislation and would also be consistent with the new IMO Convention. These would include requirements for a ballast water management plan and a record book to be kept for each ship that has ballast water tanks. Future legislation should recognize the possible impacts of domestic vessels operating between U.S. ports and risks of transferring non-indigenous species between different aquatic areas. In addition, future legislation should recognize the importance of and provide appropriate authority for continued

development and evaluation of prototype or experimental ballast water treatment technologies aboard operating vessels and a single, biologically meaningful, scientifically sound and enforceable ballast water discharge standard. Such a standard would relieve the states of the burden of having to develop additional regulations to protect their waters and provide certainty to the shipping industry that a single standard would be applicable to all US ports.

Thank you for the opportunity to provide you with the outcome of the IMO conference on ballast water management and possible ways forward. The Coast Guard looks forward to working with Congress as we continue our ongoing efforts to implement an effective ballast water management regime. I will be happy to answer any questions you may have.